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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/498,821 02/04/00 LUTKUS

W 0275M-000273

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PM82/0831

EXAMINER

SAETHER, F

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 08/31/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/498,821

Applicant(s)
LUTKUS

Examiner
Flemming Saether

Group Art Unit
3627



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the removable tang must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Claim 6 is objected to because of the following informalities: each claim should be a single sentence. Appropriate correction is required.
3. Claims 4, 8, 12 and 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the claims, the intended limitation is unclear. It is unclear what the "internal screw thread convolution" refers to. The claims were examined as best understood.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1, 2, 6, 10, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toosky in view of Schumacher. Toosky discloses a nut having an insert and in the embodiment of

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Fig. 9, it is shown as a helically coiled wire. The insert is intended to prevent galling (column 5, lines 12-35). Schumacher discloses an alloy made up of the elements each defined to be within a specific range to resist galling. The disclosed range of each element overlapping that as claimed for the same element. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to make the insert of Toosky out of a material as disclosed in Schumacher because the alloy itself resisting galling would be preferable to a separate coating or plating as currently employed in Toosky. The separate plating would require addition manufacturing.

6. Claims 3-5, 7-9, 11-13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over modified Toosky as applied to claim 1, 2, 6, 10, 14 and 16 above, and further in view of Cosenza. Cosenza teaches the insert to having the same shape as that claimed by applicant thus is shown the diamond-shaped cross-section and apparently the 60° internal screw thread convolution. At the time the invention was it would have been obvious for one of ordinary skill in the art to make the insert of Toosky of a shape as disclosed in Cosenza because the shape of the insert of Cosenza provides for superior thread engagements. The examiner takes notice with respect to the removable tang.

7. The following is an examiner's statement of reasons for allowance: The prior art does not disclose a threaded fastener made of the alloy as claimed. More specifically, the prior art did not

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reveal the relatively large amounts of manganese and silicon in combination with the other elements in a threaded fastener environment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is (703) 308-0182. The examiner can normally be reached on Monday-Thursday from 8:00 am to 5:00 pm.

Submission of your response by facsimile transmission is encouraged. Group 3620's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission.

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Responses requiring a fee which applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

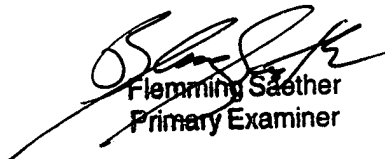
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on ____ (Date) ____

(Typed or printed name of person signing this certificate)

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist at (703) 308-2168.


Flemming Sæther
Primary Examiner

August 30, 2000